

### **Remarks**

The outstanding office action rejects the pending claims 1-12 and 18 as anticipated by Groeniger, US 2,158,362, or obvious in light of Groeniger and the routine skill in the art.

Minor amendments are made to the claims. Upon further review of claim 4, Applicant has decided to amend the claim to return it to its original state which is believed is adequately described in the specification as discussed below. A typographical error in claim 18 is corrected by amendment. These amendments add no new matter.

It is respectfully submitted that claim 1, as filed, defines a patentable invention which clearly distinguishes the Groeniger reference cited in the outstanding rejection. It is respectfully submitted that the patent Examiner has not considered all of the claim limitations when rejecting claim 1 over Groeniger. Most importantly, the shelf limitation found in the first subparagraph following the preamble is not given proper consideration. It is noted that in the outstanding rejection, the Examiner indicates that a shelf as illustrated in the Groeniger patent making a general reference to Figure 1 and 2, however, these drawing figures clearly illustrate that there is no shelf in the Groeniger reference. Specifically in claim 1, first paragraph following the preamble, the bowl-shape waste receiving surface is defined as having a rim constituting an upper edge portion whose inner surface overhangs inward and a shelf formed between the rim and the waste receiving surface. The rim is seen in Figure 2 and Figure 6 as element 6; the rim overhangs the shelf 6c which is spaced between the rim and the bowl-shaped waste receiving surface 5.

The shelf limitation does in fact describe a structural feature lying at the heart of the present invention. The term "shelf" quite graphically and accurately defines this feature of the bowl. The word "shelf" by definition, describes a specific structure. The definition of shelf from American Heritage Dictionary is, "a. A flat, usually rectangular structure composed of a rigid material, such as wood, glass, or metal, fixed at right angles to a wall or other vertical

surface and used to hold or store objects. b. The contents or capacity of such a structure; c. Something, such as a projecting ledge of rock or a balcony, that resembles such a structure". See attached Exhibit A. Shelf 6a in the claimed toilet bowl, is a substantially horizontally extending ledge oriented beneath the rim of the bowl onto which water from the first and second water spouting sections is directed to form a swirling vortex. The swirling water on the ledge falls along the bowl shaped waste receiving surface, cleansing the surface of waste material, which is ultimately gathered in the lower center of the bowl.

Groeniger has no shelf or corresponding structure. The area immediately below the rim of the bowl is a generally vertical wall which gradually blends into the lower bowl pronouncedly downward tapered wall. There is no structure that could be fairly characterized as a shelf in Groeniger. The series of water spouts or orifices 28 certainly do not spout cleansing water onto a shelf, rather the water is directed along the vertical bowl wall. Accordingly, it is believed that claim 1 is patentable over Groeniger and claim 1, as well as the claims which depend therefrom, should be issued a notice of allowance.

As noted above, claim 4 has been amended to put the claim into its original "as filed" state. It is respectfully submitted that this claim limitation is fully supported by the application as filed, specifically, the embodiment illustrated in Figures 13-15 and the corresponding text found on lines 12-21 on page 21 of the application as filed. It is believed that this claim, which depends on claim 1 further defines a patentable invention over Groeniger as Groeniger has dozens of water spouting channels located under the rim which appear to be relatively uniformly spaced about the rim periphery. The location of these spouts are not all dependent upon the curvature of the bowl as claimed in claim 4 of the present application.

It is believed that the obviousness rejection of claim 6, 7, 9 and 12 based on Groeniger is improper for the reasons stated above with reference to the anticipation rejection. Analyzing the obviousness of these claims and one must consider all of the limitations of these claims as well as the claims which they directly or indirectly depend. Accordingly, since the shelf limitation is conspicuously absent from these claims, there is no suggestion by the

Examiner that the shelf structure would be obvious to one of ordinary skill in the art, the §103 rejection of these claims is improper.

If the Examiner has any remaining questions regarding patentability, the Examiner is invited to telephone the undersigned so the rejection may be discussed in more detail.

Please charge the one month extension of time fee and any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

By

  
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**shelf**  Audio Help (shĕlf) Pronunciation Key

*n.* *pl.* **shelves** (shĕlvz)

1.
  - a. A flat, usually rectangular structure composed of a rigid material, such as wood, glass, or metal, fixed at right angles to a wall or other vertical surface and used to hold or store objects.
  - b. The contents or capacity of such a structure.
  - c. Something, such as a projecting ledge of rock or a balcony, that resembles such a structure.
2. A reef, sandbar, or shoal.
3. Bedrock.

[Middle English, probably from Middle Low German *schelf*; see *skel-*<sup>1</sup> in Indo-European roots.]

**shelfful** *n.*

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